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<b>PRE-APPEAL BRIEF REQUEST FOR REVIEW</b>		Docket Number (Optional) 1248-0694P	
		Application Number 10/779,795-Conf. #9620	Filed February 18, 2004
		First Named Inventor Keiichi TANAKA et al.	
		Art Unit 1756	Examiner N. M. Barreca
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant /inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input type="checkbox"/> attorney or agent of record. Registration number _____</p> <p><input checked="" type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. <u>29,271</u></p> <p> Signature Charles Gorenstein Typed or printed name</p> <p>(703) 205-8000 Telephone number August 1, 2006 Date</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input type="checkbox"/> *Total of <u>1</u> forms are submitted.</p>			

The Examiner has made clear errors by failing to examine any of the dependent claims currently pending. Further the Examiner has made clear errors in interpreting and applying the appropriate tests and applying the prior art in rejecting claims 1-9 under 35 U.S.C. §102(b) as being anticipated by *Matsuyama* (U.S. Patent Application Publication No. 2001/0007733); rejecting claims 1-3 and 6-10 under 35 U.S.C. §102(e) as being anticipated by *Kiguchi* (U.S. Patent Application Publication No. 2003/0210361); and rejecting claim 10 under 35 U.S.C. § 103(a) as being unpatentable over *Matsuyama* in view of *Nishida* (USP 6,864,034).

**The Examiner Failed to Examine Any of the Dependent Claims Currently Pending**

The Examiner has made clear error by failing to consider all of the claims as currently pending.

As required by MPEP §707(d)-(i), the Examiner is required to provide Applicants with a complete and clear rejection, including identifying those elements of the prior art the Examiner is relying upon to support the rejection of the claims. However, the Examiner has failed to consider any of the elements recited in the dependent claims. For at least this reason, prosecution should be reopened for the Examiner to properly consider all of the claims currently pending.

**The Examiner has Failed to Answer All Material Traversed in Applicants' Reply  
Filed November 28, 2005 and June 2, 2006**

The Examiner has made clear error in failing to answer Applicants' arguments set forth in Applicants' Reply filed November 28, 2005.

In accordance with MPEP §707-07(f) the Examiner is required to provide a complete application file history by taking note of any material traversed by the Applicants and answer the substance of the traversal.

In Applicants' Reply filed November 28, 2005, Applicants argued that *Matsuyama* fails to teach or suggest a method of manufacturing a composite film, the first film having a plurality of partition sections extending generally along one direction, the first film comprising at least one gap width regulating section by which a width of the gap region is narrowed in one direction. In response to this argument, the Examiner asserted that the claims as written have no such limitations and requires only that partition section extend generally along one direction. Applicants submitted, in Applicants' Reply After Final filed June 2, 2006, that claim 1, lines 6-8, recites "...apply a second film material in the gap region by an ink-jet method by traversing an ink jet with respect to the substrate generally along one direction in which the partition sections are extended..." and claim 1, lines 10-11 recites "...the first film comprising at least one gap width regulating section..." However, the Examiner did not respond to this argument.

Applicants respectfully submit that claim 1 clearly recites the claim elements as argued in Applicants' Reply filed November 28, 2005. The Examiner has failed to consider this claim element in asserting her rejection. Further, Applicants included arguments in Applicants' Reply After Final filed June 2, 2006 regarding this claim element. However, the Examiner failed to consider and respond to Applicants' arguments. As the Examiner has failed to properly consider these arguments, Applicants respectfully request that prosecution be reopened for the Examiner to properly consider all of the Applicants' arguments on the record.

**The Examiner has Failed to Establish Prima Facie Anticipation  
by Failing to Provide a Reference that Teaches or Suggests All of the Claim Elements**

The Examiner has made clear error by failing to consider all of the elements recited in the independent claim and, further, has made clear error in determining that certain claim elements are taught by taking an unduly broad interpretation of the teachings of the cited art. With regard to claim 1, the Examiner asserts that *Matsuyama* teaches all of the elements as set forth in the claim. Applicants maintain that the teachings of *Matsuyama* are insufficient to anticipate the present invention.

Claim 1 recites, *inter alia*, a method of manufacturing a composite film including a first film and a second film, the first film having **a plurality of partition sections extending generally along one direction**, facing each other with a gap region therebetween, and the second film being located in the gap region, the method comprising applying a second film material in the gap region by an ink-jet method by traversing an ink jet with respect to the substrate generally along the one direction in which the partition sections are extended, and curing the second film material thus applied, so as to form the second film, the first film comprising **at least one gap width regulating section, by which a width of the gap region is narrowed in the one direction**.

The Examiner rejects claim 1 asserting “As can be seen in Figure 11(a) the first film is tapered and therefore includes a gap width regulating section by which the width of the gap region is narrowed.” The Examiner directs Applicants attention to Figs. 11A-11E of the specification and notes that these figures are identical to Figs. 11A-12D of *Matsuyama*. Applicants respectfully disagree with the Examiner’s interpretation of *Matsuyama*.

The figures cited by the Examiner do not teach or suggest the **at least one gap width regulating section, by which a width of the gap region is narrowed in the one direction**, the one direction being defined as the direction in which the plurality of partitions extend. As can be clearly seen from the teachings of *Matsuyama*, the width of the gap region along the direction in which the partitions extend stays the same. The width of the gap region of *Matsuyama* does not narrow in the one direction, as required by the claim. As *Matsuyama* fails to teach or suggest all of the claimed elements, the Examiner has failed to establish *prima facie* anticipation. It is respectfully submitted that claims 2-10 are allowable for the reasons set forth above with regard to claim 1 at least based upon their dependency on claim 1.

**Claim Rejections – 35 U.S.C. §102 – Kiguchi**

The Examiner has made clear error by failing to consider all of the elements recited in the independent claim and, further, has made clear error in determining that certain claim elements are taught by taking an unduly broad interpretation of the cited reference. With regard to claim 1, the Examiner asserts that *Kiguchi* teaches all of the elements as set forth in the claim.

In support of the Examiner's rejection of claim 1, the Examiner again relies on a tapered portion of *Kiguchi* (similar to the tapered portion of *Matsuyama*) to anticipate the gap width regulating section as claimed. However, for the reasons noted above, Applicants respectfully submit that it appears from the outstanding rejection that Examiner has failed to consider all of the elements as recited in claim 1, i.e., **at least one gap width regulating section, by which a width of the gap region is narrowed in the one direction**, the one direction being defined as the direction in which the plurality of partitions extend.

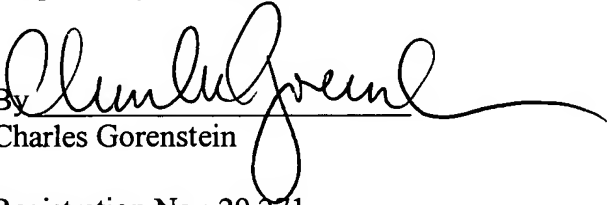
For the reasons set forth above, the figures cited by the Examiner do not teach or suggest the **at least one gap width regulating section, by which a width of the gap region is narrowed in the one direction**, the one direction being defined as the direction in which the plurality of partitions extend. As can be clearly seen from the teachings of *Kiguchi*, the width of the gap region along the direction in which the partitions extend stays the same. The width of the gap region does not narrow in the one direction, as required by the claim. As *Kiguchi* fails to teach or suggest all of the claim elements, the Examiner has failed to establish *prima facie* anticipation under 35 U.S.C. § 102.

### Conclusion

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: August 1, 2006

Respectfully submitted,

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